

LER Connections



May 2012
Quarterly

Welcome! From the Labor & Employee Relations Team

Welcome to the first issue of the "LER Connections," the newsletter of the OHR/Labor & Employee Relations Team. With this publication, we hope to provide you with important updates, grievance decisions, guidance, and helpful advice. In other words, we want to be a resource that supports you in administering the collective bargaining agreements, effectively conducting employee relations, and navigating the labor-management relationship. Because the MCGEO bargaining unit is the largest of the bargaining units, we will focus our attention on MCGEO. However, we will also integrate FOP and IAFF matters as well. We want this effort to truly add value to your work. Therefore, we welcome your feedback, advice, suggestions, questions, comments, and criticism.

Did you know...

105 disciplinary cases
were reviewed at ADR in 2011.
Of those, 77% settled
with agreement
between both parties

Collective Bargaining Update

The County successfully completed negotiations with MCGEO, FOP, and IAFF in February. All three negotiations resulted in settlement without the need for an arbitrator's decision. County-MCGEO negotiations utilized, for the first time, a process called "Modified Traditional Bargaining," a variation of "Interest-based Bargaining." The negotiation process was facilitated by a federal mediator from the Federal Mediation and Conciliation Service.

We congratulate and thank everyone who participated on this year's negotiation teams.

Upcoming: Joint Contract Training
(supervisors and shop stewards)

Upcoming: Written guidance bulletins
addressing important CBA topics, including
leave, light duty, grievance procedure...

Arbitration & Grievance News

In recent Arbitration decisions:

1. Arbitrator recently granted a MCGEO contract grievance regarding 60 hours compensatory leave for employees who also received their longevity in FY2010. The Arbitrator's decision upheld the Union's position that the language did not exclude members at top of grade and receiving longevity from also receiving the 60 hours compensatory leave.
2. Arbitrator upheld the dismissal of a safety sensitive transit employee. The employee was dismissed for violating the County's drug/alcohol policy after operating a County vehicle while under the influence. The Arbitrator determined that the Department dismissed the employee for just cause.

In recent Grievance News:

MCGEO has filed 67 grievances thus far in FY 2012.

Departments and the LER Team have been successful at resolving 29 grievances so far this year. Four Dismissal grievances have been resolved with the Grievant leaving County service through resignation or retirement.

OHR recently settled a grievance filed on behalf of the 10-month School Health Room Nurses who received a prorated amount of compensatory leave given during FY11. It was agreed to provide the SHRN's with the full amount of leave.

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FAQ



Q: What is the difference between the policies in the Personnel Regulations and those in the Collective Bargaining Agreements (CBAs)?

A: The CBAs with the unions are joint understandings on the terms of employment (wages, hours, working conditions) governing the County and its respective units. In many cases, the wording in the CBAs is similar to that in the MCPR (in some situations the CBA language was passed through to the MCPR governing non-represented employees), but in all situations where there may be different language, the CBAs will ALWAYS trump the MCPR.

Q: An employee has requested 4 weeks FMLA leave to care for her mother who will be undergoing surgery. The employee has provided a FMLA medical certification form completed by her mother's doctor. What type of leave can the employee use?

A: Generally, under FMLA, an employee can use any leave other than compensatory leave – accrued annual, sick, or personal leave or leave without pay. If the employee opts to use accrued sick leave, since the leave is to care for an immediate family member, the employee must use family sick leave and is limited to 120 hours per calendar year. An employee may request a waiver of this 120 hour limitation on family sick leave usage from the OHR Director based on good cause.

Q: Does “personal leave” mean an employee can take “personal leave” time whenever they want?

A: Personal leave must be requested in advance just like requests for annual leave. As with annual leave, using personal leave is subject to the approval from the supervisor, after consideration of service needs, workload, and availability of staff. And unlike annual leave, personal leave must be taken in whole days. It is credited and tracked in whole day increments.

**If you have a question, please submit to: LERNewsletter@montgomerycountymd.gov*

Know the Contract

In each issue we will feature a need-to-know Article from one of the Union contracts...

MC GEO Article 28 – Progressive Discipline

Disciplinary action must be applied progressively by increasing the severity of the disciplinary action proposed (penalty) against the employee in response to:

- The severity of the employee's misconduct and the actual or possible consequences; or
- The employee's continuing misconduct or attendance violations over time.

Progressive discipline does not always begin with the least severe penalty. In some cases involving serious misconduct or serious violations of policy or procedure, progressive discipline may be bypassed and more severe disciplinary actions up to dismissal may be initiated.

Labor Agreements online: <http://www.montgomerycountymd.gov/content/ohr/ResourceLibrary/RLMain1.cfm?m=1&c=4&kt=1>

~Get to Know the Labor & Employee Relations Team~

Labor Relations: Sarah Cook, Lasantha Dahanaike, George Lacy (Police Labor Manager), Jackie LaRocca, Jeremy Milewski, Stuart Weisberg, Teresa White, Mike Woodruff, Steve Sluchansky (L/ER Manager)

EEO: Angela Washington (EEO Officer), and Patricia Miller

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Get to know the Specialist: Sarah Cook

[Each month, we will highlight a member of the L/ER Team.]

Sarah graduated from Penn State University with a degree in Labor & Industrial Relations. She has worked for Montgomery County for almost 5 years, most of which has been in L/ER. She also worked on the Staffing Team for 8 months. Sarah works with the Recreation Department, Liquor Control, the Community Engagement Cluster, and DTS. She manages the MCGEO contract grievance and arbitration procedure, teaches *Introduction to Managing in a Union Environment* and maintains and updates L/ER resource materials.

Sarah loves to cook, creating her own recipes or finding new ones to try on Pinterest. She enjoys hiking outdoors with her dog, Vanna.

Words to live by: We all live with the objective of being happy; our lives are all different, but all the same. – Anne Frank



Save the Date

- June 5, 2012 –Training: *Introduction to Managing in a Union Environment* (1:00 – EOB Audi)
- June 6, 2012 –Training: *Managing Conflicts in a Union Environment* (1:00 – EOB Audi)
- June 6th & June 13th – *Joint County/MCGEO Contract Training* – (Time/Location TBD)
- June 12, 2012 –Training: *Preventing Workplace Harassment* (9:00 – EOB Audi)

Please remember to register online!

EEO NEWS

In the last five years, federal, state and local compliance agencies report a substantial increase of discrimination and harassment complaints filed with those agencies. The EEOC reported an increase of 17, 155 EEO-related complaints in the last five years. There have been no significant increase in the percentage of race and sex complaints in that same time period; however, complaints alleging discrimination based on disability increased by 5%.

Complaints filed with the County EEO office almost doubled in the last five fiscal years, with notable increases in race discrimination and retaliation complaints. Retaliation complaints arise when employees or supervisors illegally take adverse action or create a hostile work environment for employees who exercise their right to file EEO related complaints or participate in an EEO related activity.

Accordingly, any department that receives an internal EEO related complaint should report it to the EEO Officer for guidance, investigation and mandated federal reporting purposes. Our team will provide hands-on guidance and assistance to all departments for all EEO-related matters.